

Memorandum

To : The Conservancy
The Advisory Committee

Date: March 26, 2007

From :  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 14: Consideration of resolution authorizing use of Coastal Habitat Impact Mitigation funds by the Mountains Recreation and Conservation Authority for the acquisition of 2.1 acre Encinal Canyon property, Malibu.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing use of up to \$135,000 of Coastal Habitat Impact Mitigation funds by the Mountains Recreation and Conservation Authority for the acquisition of Assessor's Parcel Number (APN) 4473-006-028, a Coastal Slope Trail property in Encinal Canyon.

Legislative Authority: Sections 33211 (c) of the Public Resources Code

Background: In 2002 the California Coastal Commission approved a Local Coastal Program (LCP) for the City of Malibu. The implementation document included an element in which specific mitigation funds are to be paid to the Mountains Recreation and Conservation Authority (MRCA) into the "Coastal Habitat Impact Mitigation Fund." In November of 2003, the Conservancy, the MRCA, and the California Coastal Commission signed a Memorandum of Understanding (MOU) regarding administration of this fund.

The MRCA is the entity that receives, holds, and expends the mitigation funds. However, the MOU states, "No funds shall be expended or transferred unless the Conservancy has reviewed and recommended approval of, and MRCA approves, expenditure of the funds either by MRCA or another recipient." The Coastal Habitat Impact Mitigation Fund has approximately \$450,000 accumulated to date according to the MRCA staff. In January 23, 2006, the Conservancy recommended approval of the MRCA's expenditure of \$200,000 to acquire approximately 19 acres of Los Angeles County surplus properties, in Malibu Canyon and adjacent to Kanan Dume Road.

The proposed action would constitute the Conservancy's approval of MRCA's expenditure of funds to purchase a 2.1-acre parcel (APN 4473-006-028) in the Encinal Canyon watershed, in the City of Malibu. The MRCA has entered into a Chapter 8 Agreement with the County of Los Angeles. The estimated cost of the parcel when the demand letter will come from the County is \$135,000.

Per the MOU with the Coastal Commission, priority will be given to acquisition of or extinguishment of all development potential on properties containing areas designated environmentally sensitive habitat areas (ESHAs), and to properties contiguous with existing parklands containing natural habitat. According to the LCP, the majority of the property is identified as containing ESHA, with the exception of the disturbed area adjacent to Encinal Canyon Road. It is dominated by chaparral. The subject property is also adjacent to City of Malibu-owned Charmlee Regional Wilderness Park, which contains natural habitat.

An existing dirt road passes through the southern portion of the parcel, and this dirt road has been identified as the Coastal Slope Trail per the draft Santa Monica Mountains National Recreation Area Interagency Trail Management Plan.